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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,639	01/23/2002	Andre Belowsov	06502-0394-0000	3065
22852	7590	10/13/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,639

Applicant(s)

BELOWSOV, ANDRE

Examiner

Jeffrey C. Pwu

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

PS

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is vague and indefinite because it is unclear what is the procedure to retrieve from the metrics database. It is also unclear based on what conditions in order to determine the subset of unique tags from the set of tags.

3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 is vague and indefinite because it fails to point out how to initiate a procedure to retrieve from the metrics database. It is also unclear how to combine like additive attributes from the set of additive attributes to produce a set of group attributes.

4. Claims 12, 18, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 12, 18, and 29 are vague and indefinite because it is unclear how to determine a subset of unique tags from the set of tags.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Robertson et al. (U.S. 6,594,799), hereinafter "Robertson".

Robertson teaches claims:

1. A method of accessing metrics data comprising:

providing a metrics database (238) comprising metrics data that describes

characteristics of a software product;

receiving a query (col.10, lines 45-50); and

initiating a procedure to retrieve from the metrics database a set of tags and to

determine a subset of unique tags from the set of tags based on a condition. (col.13, lines 18-45; also see "portal site" 240 and method steps of fig.9)

2. The method of claim 1 wherein the determination of a subset of unique tags

comprises: determining a set of unique identification attributes from the set of tags;

calculating a set of combinations from the set of unique identification attributes; and
selecting a subset of the set of combinations wherein each one of the subset of
combinations matches a one of the set of tags. (method steps of fig.9)

3. The method of claim 1 wherein the initiated procedure retrieves from the metrics
database a set of additive attributes associated with each one of the set of tags.

4. The method of claim 3 wherein the initiated procedure combines like additive
attributes from the set of additive attributes associated with each one of the subset of
unique tags to provide a set of totaled attributes for the one unique tag. (col.13, lines 18-
45; also see "portal site" 240 and method steps of fig.9)

5. The method of claim 4 wherein the initiated procedure selects an output set of data
from the subset of unique tags and the set of totaled attributes in accordance with a set
of parameters included in the query. (col.13, lines 18-45; also see "portal site" 240 and
method steps of fig.9)

6. The method of claim 5 wherein the initiated procedure sorts the output set in
accordance with the set of parameters. (claim 1)

7. The method of claim 4 wherein the initiated procedure calculates a set of derived
attributes from the set of totaled attributes for the one unique tag. (col.13, lines 18-45)

8. The method of claim 7 wherein the derived attributes are calculated using a derived attribute definition received in a prior query. (col.13, lines 18-45)

9. The method of claim 7 wherein the initiated procedure selects an output set of data from the subset of unique tags, the set of totaled attributes and the set of derived attributes in accordance with a set of parameters included in the query. (col.16, line37-col.18, line 16)

10. The method of claim 9 wherein the initiated procedure sorts the output set in accordance with the set of parameters. (203, 205, 29)

11. A method of grouping metrics data in a metrics database comprising: providing a metrics database comprising metrics data that describes characteristics of a software product; receiving a query; initiating a procedure to retrieve from the metrics database a set of tags and a set of additive attributes associated with the set of tags, to combine like additive attributes from the set of additive attributes to produce a set of group attributes, and to assign a group tag to the set of group attributes. (col.10, lines 45-50; col.13, lines 18-45; also see "portal site" 240)

12. A memory for storing data configured for processing by an interface module being executed on a computer system, comprising: a set of tag identifiers; and a command for accessing a set of metrics data wherein, upon reading the command, the interface

module initiates a get module to retrieve from a metrics database a set of tags corresponding to the set of tag identifiers and to determine a subset of unique tags from the set of tags based on a condition. (col.10, lines 45-50; col.13, lines 18-45; also see "portal site" 240)

13. The memory of claim 12 further comprising a set of additive attribute identifiers associated with each one of the set of tags, wherein the get module retrieves a set of additive attributes corresponding to the set of additive attribute identifiers and combines like additive attributes from the set of additive attributes associated with each one of the subset of unique tags to provide a set of totaled attributes for the one unique tag. (see fig.10, "After the user selects the design expert resource, a list of different design expert categories is then retrieved at the portal site 204 from the catalog database 246, and transmitted to and displayed at the user system 220. Examples of such categories may include, for example, codified knowledge, custom response, live response, and design outsourcing. In step 1003, the user selects an expert design assistance category, or alternatively, searches for an expert design assistance category or a particular expert with certain attributes, using a standard search tool providing by the design console client software 228.")

14. The memory of claim 13 further comprising a set of derived attribute identifiers, wherein the get module calculates a set of derived attributes from the set of totaled attributes based on a set of derived attribute definitions associated with the set of

derived attribute identifiers. (col.13, lines 18-45; also see "portal site" 240 and method steps of fig.9)

15. The memory of claim 13 further comprising a set of parameters, wherein the get module selects an output set of the set of tags and the set of additive attributes in accordance with the set of parameters. (col.13, lines 18-45; also see "portal site" 240 and method steps of fig.9)

16. The memory of claim 14 further comprising a set of parameters wherein the get module selects an output set of the set of tags, the set of additive attributes, and the set of derived attributes in accordance with the set of parameters. (col.13, lines 18-45; also see "portal site" 240 and method steps of fig.9)

17. A memory for storing data configured for processing by an interface module being executed on a computer system, comprising: a group tag; a set of tag identifiers; and a command for grouping a set of metrics data wherein, upon reading the command, the interface module initiates a grouping module for: retrieving a set of tags corresponding to the set of tag identifier; retrieving a set of additive attributes associated with the set of tags; combining like additive attributes from the set of additive attributes to produce a set of group attributes, and assigning the group tag to the set of group attributes.
(col.10, lines 45-50; col.13, lines 18-45; also see "portal site" 240)

18. A system for interfacing with a metrics database comprising: a central processing unit (236); and an interface module configured for execution by the central processing unit, the interface module comprising instructions for: receiving a query from an application program; initiating a get module in response to the query, the get module comprising instructions for: retrieving from the metrics database a set of tags; and determining a subset of unique tags from the set of unique tags based on a condition. (col.10, lines 45-50; col.13, lines 18-45; also see "portal site" 240)

19. The system of claim 18 wherein the get module further comprises instructions for: determining a set of unique identification attributes from the set of tags; calculating a set of combinations from the set of unique identification attributes; and selecting a subset of the set of combinations wherein each one of the subset of combinations matches a one of the set of tags. (claims 6,7)

20. The system of claim 18 wherein the get module further comprises instructions for retrieving from the metrics database a set of additive attributes associated with each one of the set of tags. (col.10, lines 45-50; col.13, lines 18-45)

21. The system of claim 20 wherein the get module further comprises instructions for combining like additive attributes from the set of additive attributes associated with each one of the subset of unique tags to provide a set of totaled attributes for the one unique tag. (col.10, lines 45-50; col.13, lines 18-45)

22. The system of claim 21 wherein the get module further comprises instructions for selecting an output set of metrics data from the subset of unique tags and the set of totaled attributes in accordance with a set of parameters included in the query. (col.10, lines 45-50; col.13, lines 18-45)

23. The system of claim 22 wherein the get module further comprises instructions for sorting the output set in accordance with the set of parameters. (col.10, lines 45-50; col.13, lines 18-45)

24. The system of claim 21 wherein the get module further comprises instructions for calculating a set of derived attributes from the set of totaled attributes for the one unique tag. (col.10, lines 45-50; col.13, lines 18-45)

25. The system of claim 24 wherein the get module further comprises instructions for calculating the set of derived attributes using a derived attribute definition. (col.10, lines 45-50; col.13, lines 18-45)

26. The system of claim 24 wherein the get module further comprises instructions for selecting an output set of data from the subset of unique tags, the set of totaled attributes and the set of derived attributes in accordance with a set of parameters included in the query. (col.10, lines 45-50; col.13, lines 18-45)

Art Unit: 2143

27. The system of claim 26 wherein the get module further comprises instructions for sorting the output set in accordance with the set of parameters. (col.10, lines 45-50; col.13, lines 18-45)

28. A system for interfacing with a metrics database comprising: a central processing unit; and an interface module, configured for execution by the central processing unit, the interface module comprising instructions for: receiving a query from an application program; and initiating a grouping module in response to the query, the grouping module comprising instructions for: retrieving from the metrics database a set of tags and a set of additive attributes associated with the set of tags in response to the query; combining like additive attributes from the set of additive attributes to produce a set of group attributes; and assigning a group tag to the set of group attributes. (col.10, lines 45-50; col.13, lines 18-45; also see "portal site" 240)

29. A computer program product for use in conjunction with a computer system, the computer program product comprising a computer readable storage medium and a computer program mechanism embedded therein, the computer program mechanism comprising: an interface module comprising instructions for receiving a query; and a get module comprising instructions for: retrieving from a metrics database a set of tags; and determining a subset of unique tags from the set of tags based on a condition. (col.10, lines 45-50; col.13, lines 18-45; also see "portal site" 240)

Claims 30-38 are similarly rejected as in claims 1-28

39. A computer program product for use in conjunction with a computer system, the computer program product comprising a computer readable storage medium and a computer program mechanism embedded therein, the computer program mechanism comprising: an interface module comprising instructions for receiving a query; a grouping module comprising instructions for: retrieving from a metrics database a set of tags and a set of additive attributes associated with the set of tags in response to a query; adding together like additive attributes from the set of additive attributes to produce a set of group attributes; and assigning a group tag to the set of group attributes. (col.10, lines 45-50; col.13, lines 18-45; also see "portal site" 240)

Response to Arguments

7. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



10/8/05

JEFFREY PWU
PRIMARY EXAMINER